

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Wells Fargo Bank, National Association,      )  
    )  
    )  
Plaintiff,                                      )      **ORDER FOR RULE 16(b)**  
    )      **SCHEDULING CONFERENCE,**  
vs.    )      **AND ORDER RE RESOLUTION**  
    )      **OF DISCOVERY DISPUTES**  
    )  
Todd K. Horob,                              )  
    )  
Defendant.                                    )      Case No.: 4:08-v-025

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**IT IS ORDERED:**

**RULE 26(f) MEETING & RULE 16(b) SCHEDULING CONFERENCE**

The court shall hold a Rule 16(b) initial pretrial scheduling/discovery conference on October 8, 2008, at 9:00 a.m. The scheduling conference will be held by telephone conference call to be initiated by the court. The parties are not required to meet prior to the conference. The court will work with the parties at the scheduling conference to establish pretrial deadlines and formulate a scheduling and discovery plan. A sample proposed scheduling and discovery plan has been posted on the court's website at <http://www.ndd.uscourts.gov/forms.html> for the parties' reference.

Prior to the telephone conference, the defendant, Todd K. Horob, shall contact the court via e-mail ([ndd\\_J-Miller@ndd.uscourts.gov](mailto:ndd_J-Miller@ndd.uscourts.gov)) or telephone (at 701-530-2340) and provide it with a telephone number at which he can be reached.

**RESOLUTION OF DISCOVERY DISPUTES**

It is hereby **ORDERED** that the following steps be undertaken by all parties prior to the filing of any discovery motions:

- 1) The parties are strongly encouraged to informally resolve all discovery issues and disputes without the necessity of Court intervention. In that regard, the parties are first required to confer and fully comply with Rule 37(a)(2) of the Federal Rules of Civil Procedure and Local Rule 37.1 by undertaking a sincere, good faith effort to try to resolve all differences without Court action or intervention;
- 2) In the event that reasonable, good faith efforts have been made by all parties to confer and attempt to resolve any differences, without success, the parties are then required to schedule a telephonic conference with the Magistrate Judge in an effort to try to resolve the discovery dispute prior to the filing of any motions. The parties shall exhaust the first two steps of the process before any motions, briefs, memorandums of law, exhibits, deposition transcripts, or any other discovery materials are filed with the Court.
- 3) If the dispute still cannot be resolved following a telephonic conference with the Magistrate Judge, then the Court (Magistrate Judge) will entertain a motion to compel discovery, motion for sanctions, motion for protective order, or other discovery motions. In connection with the filing of any such motions, the moving party shall first fully comply with all requirements of Rule 37(a)(2) of the Federal Rules of Civil Procedure and Local Rule 37.1 and shall submit the appropriate certifications to the Court as required by those rules.
- 4) The Court will refuse to hear any discovery motion unless the parties have made a sincere, good faith effort to resolve the dispute and all of the above-identified steps have been strictly complied with. A failure to fully comply with all of the prerequisite steps may result in a denial of any motion with prejudice and may result

in an award of costs and reasonable attorney's fees.

Dated this 5th day of September, 2008.

/s/ *Charles S. Miller, Jr.*

Charles S. Miller, Jr.  
United States Magistrate Judge